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State/Local Air Officials Develop Regulatory Alternatives for New Source Review to Better Protect Air Quality and Public Health

Dissatisfied with recent changes made by the U.S. Environmental Protection Agency (EPA) to federal rules to protect air quality, state and local air pollution control officials have developed more protective alternatives for implementation in their respective jurisdictions. The result of their effort is being released today.

The EPA changes in question are ones made on December 31, 2002 and August 27, 2003 to revise the New Source Review (NSR) program – a fundamental component of our nation's clean air program established by Congress in the 1977 Clean Air Act amendments. The intent of the NSR program is to ensure that new sources and those that undertake major modifications install state-of-the-art pollution controls and assess air quality impacts to protect against violations of health-based air quality standards.

State and local air officials have long supported changes to the NSR program that would reduce its complexity and make it easier to implement and enforce, but have been critical of EPA's revisions and, in fact, had cautioned against them. "Our members' primary concern is that EPA's revisions allow many sources of pollution previously subject to NSR to simply escape emission control requirements. We are worried that these exemptions could seriously undermine the ability of states and localities to achieve and sustain our nation's clean air and public health goals," said S. William Becker, Executive Director of the State and Territorial Air Pollution Program Administrators (STAPPA) and the Association of Local Air Pollution Control Officials (ALAPCO).

Many states and localities intend to pursue NSR rules that differ from EPA's, or to retain all or part of their existing rules. Accordingly, through STAPPA and ALAPCO, they have spent the past 10 months developing a range of regulatory alternatives, which has been compiled in *New Source Review: A Menu of Options*. For each of six major program elements – calculation of the emissions baseline against which to measure emission increases, the NSR applicability test, the "Clean Unit" exclusion, the "Pollution Control Project" exclusion, "Plantwide Applicability Limits" and replacement unit exclusions – the Menu details EPA's previous NSR program provisions, the recent rule revisions, state and local air agencies' specific concerns and the alternatives identified

by STAPPA and ALAPCO, and provides regulatory language for executing each alternative. "We believe this Menu will facilitate states' and localities' efforts to craft NSR programs that will better address their air quality and public health needs," noted Becker, who also indicated that the associations will invite discussion, comment and feedback on the Menu of Options by convening a series of meetings with stakeholder groups over the next few months.

STAPPA and ALAPCO are the two national associations of air pollution control agencies in the states, territories and major metropolitan areas across the country. For more information, please visit the associations' web site at www.cleanairworld.org.

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